

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 2020.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GEORGE MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GUAM OMNIBUS OPPORTUNITIES ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2462) to amend the Organic Act of Guam, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. OPPORTUNITY FOR THE GOVERNMENT OF GUAM TO ACQUIRE EXCESS REAL PROPERTY IN GUAM.

(a) *TRANSFER OF EXCESS REAL PROPERTY.*—(1) Except as provided in subsection (d), before screening excess real property located on Guam for further Federal utilization under section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471, et seq.) (hereinafter the "Property Act"), the Administrator shall notify the Government of Guam that the property is available for transfer pursuant to this section.

(2) If the Government of Guam, within 180 days after receiving notification under paragraph (1), notifies the Administrator that the Government of Guam intends to acquire the property under this section, the Administrator shall transfer such property in accordance with subsection (b). Otherwise, the property shall be screened for further Federal use and then, if there is no other Federal use, shall be disposed of in accordance with the Property Act.

(b) *CONDITIONS OF TRANSFER.*—(1) Any transfer of excess real property to the Government of Guam may be only for a public purpose and shall be without further consideration.

(2) All transfers of excess real property to the Government of Guam shall be subject to such restrictive covenants as the Administrator, in consultation with the Secretary of Defense, in the case of property reported excess by a military department, determines to be necessary to ensure that (A) the use of the property is compatible with continued military activities on Guam; (B) the use of the property is consistent with the environmental condition of the property; (C) access is available to the United States to conduct any additional environmental remediation or monitoring that may be required; (D) the property is used only for a public purpose and can not be converted to any other use; and (E) to the extent that facilities on the property have

been occupied and used by another Federal agency for a minimum of 2 years, that the transfer to the Government of Guam is subject to the terms and conditions for such use and occupancy.

(3) All transfers of excess real property to the Government of Guam are subject to all otherwise applicable Federal laws, except section 2696 of title 10, United States Code, or section 501 of Public Law 100-77 (42 U.S.C. 11411).

(c) *DEFINITIONS.*—For the purposes of this section:

(1) The term "Administrator" means—

(A) the Administrator of General Services; or
(B) the head of any Federal agency with the authority to dispose of excess real property on Guam.

(2) The term "base closure law" means the Defense Authorization Amendments and Base Closure and Realignment Act of 1988 (Public Law 100-526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510), or similar base closure authority.

(3) The term "excess real property" means excess property (as that term is defined in section 3 of the Property Act) that is real property and was acquired by the United States prior to enactment of this section.

(4) The term "Guam National Wildlife Refuge" includes those lands within the refuge overlay under the jurisdiction of the Department of Defense, identified as DoD lands in figure 3, on page 74, and as submerged lands in figure 7, on page 78 of the "Final Environmental Assessment for the Proposed Guam National Wildlife Refuge, Territory of Guam, July 1993" to the extent that the Federal Government holds title to such lands.

(5) The term "public purpose" means those public benefit purposes for which the United States may dispose of property pursuant to section 203 of the Property Act, as implemented by the Federal Property Management Regulations (41 CFR 101-47) or the specific public benefit uses set forth in section 3(c) of the Guam Excess Lands Act (Public Law 103-339; 108 Stat. 3116), except that such definition shall not include the transfer of land to an individual or entity for private use other than on a nondiscriminatory basis.

(d) *EXEMPTIONS.*—Notwithstanding that such property may be excess real property, the provisions of this section shall not apply—

(1) to real property on Guam that is declared excess by the Department of Defense for the purpose of transferring that property to the Coast Guard;

(2) to real property on Guam that is located within the Guam National Wildlife Refuge, which shall be transferred according to the following procedure:

(A) The Administrator shall notify the Government of Guam and the Fish and Wildlife Service that such property has been declared excess. The Government of Guam and the Fish and Wildlife Service shall have 180 days to engage in discussions toward an agreement providing for the future ownership and management of such real property.

(B) If the parties reach an agreement under subparagraph (A) within 180 days after notification of the declaration of excess, the real property shall be transferred and managed in accordance with such agreement: Provided, That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

(C) If the parties do not reach an agreement under subparagraph (A) within 180 days after notification of the declaration of excess, the Administrator shall provide a report to Congress on the status of the discussions, together with his recommendations on the likelihood of resolution of differences and the comments of the Fish and

Wildlife Service and the Government of Guam. If the subject property is under the jurisdiction of a military department, the military department may transfer administrative control over the property to the General Services Administration subject to any terms and conditions applicable to such property. In the event of such a transfer by a military department to the General Services Administration, the Department of the Interior shall be responsible for all reasonable costs associated with the custody, accountability and control of such property until final disposition.

(D) If the parties come to agreement prior to congressional action, the real property shall be transferred and managed in accordance with such agreement: Provided, That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

(E) Absent an agreement on the future ownership and use of the property, such property may not be transferred to another Federal agency or out of Federal ownership except pursuant to an Act of Congress specifically identifying such property:

(3) to real property described in the Guam Excess Lands Act (Public Law 103-339; 108 Stat. 3116) which shall be disposed of in accordance with such Act;

(4) to real property on Guam that is declared excess as a result of a base closure law; or

(5) to facilities on Guam declared excess by the managing Federal agency for the purpose of transferring the facility to a Federal agency that has occupied the facility for a minimum of two years when the facility is declared excess together with the minimum land or interest therein necessary to support the facility.

(e) *DUAL CLASSIFICATION PROPERTY.*—If a parcel of real property on Guam that is declared excess as a result of a base closure law also falls within the boundary of the Guam National Wildlife Refuge, such parcel of property shall be disposed of in accordance with the base closure law.

(f) *AUTHORITY TO ISSUE REGULATIONS.*—The Administrator of General Services, after consultation with the Secretary of Defense and the Secretary of the Interior, may issue such regulations as he deems necessary to carry out this section.

SEC. 2. COMPACT IMPACT REPORTS.

Section 104(e)(2) of Public Law 99-239 (99 Stat. 1770, 1788) is amended by deleting "President shall report to the Congress with respect to the impact of the Compact on the United States territories and commonwealths and on the State of Hawaii." and inserting in lieu thereof, "Governor of any of the United States territories or commonwealths or the State of Hawaii may report to the Secretary of the Interior by February 1 of each year with respect to the impacts of the compacts of free association on the Governor's respective jurisdiction. The Secretary of the Interior shall review and forward any such reports to the Congress with the comments of the Administration. The Secretary of the Interior shall, either directly or, subject to available technical assistance funds, through a grant to the affected jurisdiction, provide for a census of Micronesians at intervals no greater than five years from each decennial United States census using generally acceptable statistical methodologies for each of the impact jurisdictions where the Governor requests such assistance, except that the total expenditures to carry out this sentence may not exceed \$300,000 in any year."

SEC. 3. APPLICATION OF FEDERAL PROGRAMS UNDER THE COMPACTS OF FREE ASSOCIATION.

(a) The freely associated states of the Republic of the Marshall Islands, the Federated States

of Micronesia, and the Republic of Palau, respectively, and citizens thereof, shall remain eligible for all Federal programs, grant assistance, and services of the United States, to the extent that such programs, grant assistance, and services are provided to States and local governments of the United States and residents of such States, for which a freely associated State or its citizens were eligible on October 1, 1999. This eligibility shall continue through the period of negotiations referred to in section 231 of the Compact of Free Association with the Republic of the Marshall Islands and the Federated States of Micronesia, approved in Public Law 99-239, and during consideration by the Congress of legislation submitted by an Executive branch agency as a result of such negotiations.

(b) Section 214(a) of the Housing Community Development Act of 1980 (42 U.S.C. 1436a(a)) is amended—

(1) by striking “or” at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting “; or”; and

(3) by adding at the end the following new paragraph:

“(7) an alien who is lawfully resident in the United States and its territories and possessions under section 141 of the Compacts of Free Association between the Government of the United States and the Governments of the Marshall Islands, the Federated States of Micronesia (48 U.S.C. 1901 note) and Palau (48 U.S.C. 1931 note) while the applicable section is in effect: Provided, That, within Guam any such alien shall not be entitled to a preference in receiving assistance under this Act over any United States citizen or national resident therein who is otherwise eligible for such assistance.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 2462, legislation which would amend the Organic Act of Guam.

This House passed this bill on July 25, and the other body has amended it and returned to it us for another vote. The amendments are clarifying in nature and are constructive and acceptable. I urge my colleagues to vote in support of H.R. 2462, as amended by the other body.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Guam (Mr. UNDERWOOD), who has worked very long and hard on this legislation and has worked with all of us on the committee to resolve concerns that have been raised.

Mr. UNDERWOOD. Mr. Speaker, I thank the ranking member for yielding me this time, and I would like to thank both the majority and minority for their extensive support on this particular piece of legislation. I also thank the gentleman from Alaska (Mr. YOUNG), the chairman of the committee, and the gentleman from California (Mr. GEORGE MILLER), the ranking member.

I ask that my colleagues support H.R. 2462, originally entitled the Guam

Omnibus Opportunities Act, which includes important legislation that will improve Federal-Guam relations dealing in particular with the problem of Federal excess lands in Guam.

As background, when I originally introduced H.R. 2462 last year, with both the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) as cosponsors, there were six provisions in this bill which dealt with Federal excess lands, foreign investment tax equity in Guam, the importation of betel nuts for personal consumption, housing assistance for citizens from the Freely Associated States, Compact Impact reporting requirements, and State share funding for Guam for certain Department of Justice block grant programs.

Mr. Speaker, H.R. 2462 was the first Guam omnibus bill ever introduced in Congress. My goal was to introduce legislation dealing with Guam issues to provide a clear delineation on the matters that were important to our island for Federal policymakers without being mired in the complexities of other territorial or other Federal issues.

Fortunately, we were able to resolve many of these provisions and they are no longer in the bill, including the last provision which is for State share funding for Guam for Department of Justice block grant programs. With the assistance of the gentleman from New York (Mr. SERRANO) and others, we were able to take care of that in the State, Commerce, Justice appropriations measure.

The other matter which we were able to resolve administratively was the provision of betel nut importation. On September 7, 2000, the Food and Drug Administration revised its provision on betel nuts from Guam by issuing an import bulletin allowing for the importation for personal consumption. I am pleased that the people of Guam and other Pacific Islanders are now able to freely practice our cultural tradition of betel nut chewing when visiting family or friends or residing in the U.S. mainland.

Mr. Speaker, H.R. 2462, as passed by the Senate on October 24, 2000, includes the remaining provisions as originally introduced and provides for a continuation of Federal programs for citizens from the Freely Associated States for the duration of compact negotiations between the United States and the Republic of the Marshall Islands and the Federated States of Micronesia. Legislation dealing with foreign investment equity tax treatment is being pursued in another legislative vehicle due to overlapping committee jurisdictions.

By far, the most important provision in this legislation today on the House floor is the Guam Land Return Act. With a land area of 220 square miles, one-third of which is held by the U.S. government, land is one of the most important issues facing the people of Guam. Section 1 of H.R. 2462 is truly landmark legislation which provides

for a process to resolve all remaining Federal land issues in Guam.

This legislation is the product of an effort which began some 7 years ago at a Guam land conference. The conference was attended by Department of Interior officials, DOD officials, government of Guam officials, and hundreds of citizens from Guam. We discussed in great detail the problems in the original land takings by the Federal Government which justifies a special process for Guam. We discussed in great detail the needs of the military and the complications created by the involvement of the U.S. Fish and Wildlife in declaring a wildlife refuge in Guam. But most importantly, we listened to the stories of the people of Guam, stories of patience, injustices, and failed promises, but steadfast loyalty. We knew then that a comprehensive process for the movement of Federal excess lands which was fair and tailored to fit the Guam situation needed to be passed.

The Guam Land Return Act provides a process for the government of Guam to receive lands from the U.S. Government for specified public purposes by giving Guam the right of first refusal of declared Federal excess lands by the General Services Administration prior to it being made available to any other Federal agency. Consideration is given to the impact of future uses of the return property on nearby military facilities. It also provides for a process for the government of Guam and the U.S. Fish and Wildlife to engage in negotiations on the future ownership and management of declared Federal excess lands within the refuge.

I am pleased that we were able to retain the definition of public benefit purposes under Public Law 103-339. This process has worked well for us in Guam and it provides the government of Guam the flexibility needed to provide for local land use needs. I want to stress that this is very important legislation for the people of Guam. It provides a vehicle for them to acquire, reacquire the land which was taken immediately after World War II in a way that does not compromise our military position and in a way that is fair and equitable to the people of Guam.

Mr. Speaker, I ask for my colleagues' support on this legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), and I thank her for her help on this legislation.

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in support of H.R. 2462, the Guam Omnibus Opportunities Act. I congratulate my colleague and fellow Democrat, the gentleman from Guam (Mr. UNDERWOOD), for his successful work in shepherding this legislation through the Congress. Few will ever fully appreciate the difficulties faced by the delegates from the U.S. territories in moving legislation through

the Congress. The process entails many emotional highs and lows, and often requires our full attention to educate others with the issues that confront our fellow Americans in the territories.

The Guam Omnibus Opportunities Act is important legislation for Guam and good policy for the United States. Of all the territories, Guam has historically played a strategic role in the planning of our national defense. However, the ending of the Cold War and our shifting defense strategy has caused much of the military land owned in Guam to become excess, as it has also downsized military activities across our Nation.

Mr. Speaker, H.R. 2462 sets out a process so that Guam can have the right of first refusal for the return of future excess Federal land in Guam. Taking into consideration the island's limited and precious resources, this new policy will provide opportunities for Guam to maximize the use of these lands that have been in Federal control for the past 5½ decades.

Mr. Speaker, this is good legislation for the people of Guam, and I again congratulate the gentleman from Guam (Mr. UNDERWOOD) for his tireless work in getting this measure to the floor. I urge full support from my colleagues.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

I just want to commend the gentleman from Guam (Mr. UNDERWOOD) who has spent a considerable amount of time working out all of the difficulties with this legislation in bringing the parties together.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2462.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HANSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CORRECTING ENROLLMENT OF S. 1474, PALMETTO BEND CONVEYANCE ACT

Mr. HANSEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 156) to make a correction in the enrollment of the

bill, S. 1474, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 156

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 1474) entitled "An Act providing for conveyance of the Palmetto Bend project to the State of Texas.", the Secretary of the Senate shall make the following correction:

In section 7(a) insert "not" after "shall".

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1653, H. Con. Res. 434, H.R. 4020, H.R. 5461, S. 2020, and H.R. 2462, the 6 bills just debated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

EXPORT ADMINISTRATION MODIFICATION AND CLARIFICATION ACT OF 2000

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 5239) to provide for increased penalties for violations of the Export Administration Act of 1979, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

Section 20 of the Export Administration Act of 1979 (50 U.S.C. App. 2419) is amended by striking "August 20, 1994" and inserting in lieu thereof "August 20, 2001".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentlewoman from California (Ms. LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5239.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, this Member rises in support of H.R. 5239, the Export Administration Modification and Clarification Act of 2000, which provides for a short-term extension of the Export Administration Act, EAA, through August 20, 2001.

For the past 6 years, the provisions of the EAA have been kept in force through the provisions of the International Emergency Economic Powers Act, known as IEEPA. When the EAA lapsed in 1994, the President kept the export administration regulations in force by Executive Order under emergency authority under IEEPA, as has been done in the past.

Enactment of this measure is intended to reauthorize the existing EAA for a short period of time, thereby permitting the Congress to fashion a comprehensive rewrite of this 21-year-old statute.

□ 1445

The EAA currently establishes export licensing policy for items detailed on the Commerce Control list. The list provides specifications for close to 2,400 dual-use items, including equipment and software likely to require some type of license.

Mr. Speaker, this Member would point out to his colleagues that the other body has modified the text of the bill which originated in this Chamber since the lapse of the Export Administration Act in August of 1994, would have retroactively provided the Department of Commerce with authority to keep licensing information confidential under provisions of section 12(c) of that act.

Under the provisions of this measure, the Department of Commerce will be able to protect licensing information from the date of enactment through August 20, 2001. It also provides for higher fines for criminal and/or administrative sanctions against the individuals or companies found to be in violation of export control regulation.

This Member would further point out to his colleagues that while the original text of this Chamber's bill had included even higher fines, the measure before this body today will still provide higher fines than those currently authorized under IEEPA.

In short, this measure provides a much-needed stopgap authority for export control officials at the Commerce Department.

Mr. Speaker, these are good reasons in this Member's judgment why this measure deserves the support of our colleagues. Therefore, this Member urges adoption of H.R. 5239.

Mr. Speaker, I reserve the balance of my time.

Ms. LEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this bill. The Export Administration Act has been the principal authority for the regulation in the export of dual-use items from the United States. When this bill lapsed in August of 1994,